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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,436	03/30/2001	Nevenka Dimitrova	US 010161	8474

24737 7590 10/19/2006

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EXAMINER

SHANG, ANNAN Q

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 10/19/2006

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/822,436
Filing Date: March 30, 2001
Appellant(s): DIMITROVA ET AL.

James D. Leimbach
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 02/17/06 appealing from the Office action mailed 08/12/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,115,057	KWOH ET AL.	9-2000
6,177,931	ALEXANDER ET EL.	1-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-11, 15-21 and 25-28 rejected under 35 U.S.C. 102(e) as being anticipated by **Kwoh et al (6,115,057)**. This rejection is set forth in a prior Office Action, mailed on 08/12/05.

Claims 12-14 and 22-24 rejected under 35 U.S.C. 103(a) as being unpatentable over **Kwoh et al (6,115,057)** in view of **Alexander et al (6,177,931)**. This rejection is set forth in a prior Office Action, mailed on 08/12/05.

(10) Response to Argument

As to Appellant's argument that the rejection of claims 1-11, 15-21 and 25-28 as being anticipated by **Kwoh et al (6,115,057)** is not well founded because "Kwoh et al. do not disclose or suggest splitting the multimedia program into a plurality of multimedia components. Kwoh et al. do not disclose or suggest extracting audio, video, and transcript features from segments within the multimedia components. Kwoh et al. do not disclose or suggest generating a numeric ranking for the filter criteria for each segments..." (see page labeled 5, line 21-page 6, line 1+ of appellant's arguments).

In response, Examiner respectfully disagrees. Examiner notes Appellant's arguments, however Kwoh teaches Receiver 10005 Decoder/Command Controller 724 for splitting the multimedia program into a plurality of multimedia components (PG-13 rated video, G-rated video, audio, text, closed caption, etc., figs. 18, 20, 23-25, col. 10, line 58-col.11, line 21, lines 45-49, col. 14, lines 7-18, col. 15, line 53-col. 16, line 1+

and col. 16, line 66-col.27) and extracts the video, audio, text, closed caption, etc., from segments within the multimedia components;

With respect to the claimed limitation "...generating a numeric ranking for the filter criteria for each segments..." Numeric is a number or system of numbers, or a word, conventional symbol, letter or a combination of numerals or other symbol that represent a number. Kwoh teaches a digital system and uses bytes (fig.21) to generate a table, ranking the order of ranking levels (threshold for each level G-X) from the highest rating G to the lowest rating X for filtering the multimedia segments of video, audio, image, language, closed caption, etc., for each level G through X (table 750 fig. 26, col.17, line 46-col.18, line 20). Kwoh compares or analysis the multimedia segments for each numeric ranking G-X for each respective viewer and based on the filtering level or threshold, filters the multimedia segments by blocking, modifying, skipping, etc., to reproduced the desired multimedia data that meets the filtering criteria for each level G through X, for each respective viewer. Examiner, maintains the U.S.C. 102(e) as being anticipated by Kwoh, is proper and should be sustained, since the rejection meets all the claimed limitations of independent claims 1 and 16 and their dependent claims, i.e., 2-11 for independent claim 1, and 15-21, 25-28 for independent claim 16.

As to Appellant's argument that the rejection of claims 12-14 and 22-24 rejected under 35 U.S.C. 103(a) as being unpatentable over **Kwoh et al (6,115,057)** in view of **Alexander et al (6,177,931)**, is not well founded, because the rejection fails to meet three requirements of obviousness and furthermore the combination made by the

rejection does not meet the claimed limitations (see pages labeled 12+ of Appellant's arguments).

In response, Examiner respectfully disagrees. Examiner notes Appellant's arguments, however, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference, nor is it that the claimed invention must be expressly suggested in any one or all the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. In this case Kwoh teaches apparatus and method for allowing rating level control of the viewing of a program, filtering different levels of the multimedia to meet the desired filtering criteria for each respective viewer. Kwoh is silent to the claimed limitations of "providing training segments having content corresponding to the filter criteria and learning to identify content matching the filter criteria, where the learning..." However, in the same field of endeavor, i.e., a television receiver or system for filtering or customized presentation of multimedia information, **Alexander** discloses utilization of viewer profile information to provide customized presentation of multimedia information and further discloses providing training segments having content corresponding to the filter criteria and learning (using the user interaction to the multimedia segments) to identify content matching the filter criteria, where the learning step is performed by device, comprising a software device and reviewing results generated during performance of the extracting and generating steps and providing feedback to the device corresponding to a review of the results by a controlling user and using various learning methods including neural

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network (col. 28, lines 10-col. 30, line 1+). Hence, Examiner maintains the 35 U.S.C.

103(a) of claims 12-14 and 22-24 as being unpatentable over Kwoh in view of

Alexander is proper and should be sustained, since the rejection meets all the claimed limitations

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Annan Q. Shang

October 13, 2006

Conferees:




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